



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GAU 1723

#4

6-7-00

Applicant : William Kopaciewicz, et al.

Serial No. : 09/387,443

Filed : September 1, 1999

For : CAST MEMBRANE STRUCTURES FOR SAMPLE PREPARATION

Examiner : Fortuna, A.

Art Unit : 1723

Attorney

Docket No. : 550P002Cont.2

Assistant Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D. C. 20231, on May 30, 2000 (Date)

Kevin S. Hemack
Name of applicant, assignee, or Registered Representative

[Signature]
Signature

May 30, 2000
Date

REMARKS

The Office Action dated March 23, 2000 has been received and carefully studied.

The Examiner rejects claims 1, 2, 4-6, 9, 10, 11, 12, 14, 15 and 16 under 35 U.S.C. §102(b) as being anticipated by Mehl Ehrenfried, et al., WO 98/08594 and EP 0 826 412). The Examiner states that this reference discloses providing microporous elements or membranes having adsorptive particles and provided at the end of a tubular housing or pipette, and that the polymer having bound adsorptive particles is provided continuous to the second open end of the housing or pipette.

The rejection is respectfully traversed.

Neither WO 98/08594, published on March 5, 1998, nor EP 0 826 412, published on March 4, 1998 is a reference against the present case. In particular, the present case is a continuation of U.S. Serial No. 09/007,320 filed on January 15, 1998, which filing date is prior to the publication date of each of the above references. In addition, priority is claimed from U.S. Serial No. 60/038,909 filed on February 26, 1997, also well before the publication dates of these references.

Accordingly, the rejection is improper and withdrawal thereof is respectfully requested.

The Examiner also rejects claims 1, 2, 6 and 9 under 35 U.S.C. §103(a) as being unpatentable over Koenst, Jr. et al., U.S. Patent No. 4,038,351.

The rejection is respectfully traversed.

The present invention requires the presence of sorptive particles. The Examiner states that Koenst, Jr. discloses the addition of filler particles such as silica. However, the filler particles referred to in Koenst, Jr. relate to the module itself, not to the casting composition. Thus, the use of "finely divided particles" in Koenst et al. is in regard to the preparation of the housing module, not the membrane. See column 5, line 63 to column 6, line 15 of Koenst et al. Accordingly, Koenst et al. do not disclose or suggest a housing containing a structure comprising a plurality of sorptive particles bound to a polymer adhered to an interior wall of the housing as recited in the instant claims.

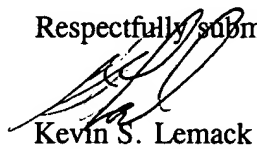
The Examiner also rejects claims 3, 7, 8, 13, 17 and 18 under 35 U.S.C. §103(a) as being unpatentable over WO 98/08594, and further in view of Kulprathipanja et al., U.S. Patent No. 5,127,925. The '925 reference is cited for its disclosure of forming a membrane with adsorptive particles and using polysulfone as the binder polymer.

The rejection is respectfully traversed.

As stated above with respect to claim 1, the '594 publication is not a reference to the instant case. Kulprathipanja et al. do not alone disclose or suggest the present invention as claimed.

Reconsideration and allowance are respectfully requested in view of the foregoing.

Respectfully submitted,



Kevin S. Lemack
Reg. No. 32,579
176 E. Main Street - Suite 8
Westboro, Massachusetts 01581
TEL: (508) 898-1818